

Amendments to the claims:

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of claims:

Claims 1-7 (cancelled).

8. (previously presented): A polymorph form 1 of 8-chloro-6,11-dihydro-11-(4-piperidylidene)-5H-benzo[5,6]-cyclohepta[1,2-b]pyridine hemifumarate having by the following x-ray powder diffraction pattern expressed in terms of "d" spacing and relative intensity (" I/I_0 "):

| d | I/I ₀ |
|-------|------------------|
| 12.32 | 26 |
| 10.53 | 11 |
| 8.444 | 19 |
| 8.149 | 16 |
| 6.550 | 25 |
| 6.281 | 22 |
| 6.185 | 35 |
| 6.084 | 19 |
| 5.553 | 88 |
| 5.373 | 64 |
| 5.096 | 59 |
| 4.960 | 41 |
| 4.745 | 34 |
| 4.470 | 26 |
| 4.403 | 30 |
| 4.365 | 46 |
| 4.159 | 84 |
| 4.124 | 73 |
| 4.061 | 35 |
| 3.750 | 79 |
| 3.716 | 100 |
| 3.659 | 27 |
| 3.589 | 14 |
| 3.398 | 11 |
| 3.362 | 16 |
| 3.277 | 10 |
| 3.090 | 23 |
| 3.051 | 11 |
| 3.003 | 15 |
| 2.784 | 10 |
| 2.507 | 12 |

9. (previously presented): A polymorph form 2 of 8-chloro-6,11-dihydro-11-(4-piperidylidene)-5H-benzo[5,6]-cyclohepta[1,2-b]pyridine hemifumarate having by the following x-ray powder diffraction pattern expressed in terms of "d" spacing and relative intensity ("I/I₀"):

| D | I/I₀ |
|----------|------------------------|
| 14.14 | 14 |
| 10.74 | 13 |
| 7.158 | 39 |
| 7.084 | 20 |
| 5.983 | 12 |
| 5.663 | 61 |
| 5.365 | 33 |
| 5.267 | 100 |
| 5.064 | 12 |
| 4.973 | 46 |
| 4.809 | 16 |
| 4.745 | 43 |
| 4.477 | 32 |
| 4.449 | 26 |
| 4.399 | 60 |
| 4.317 | 54 |
| 4.012 | 49 |
| 3.772 | 26 |
| 3.745 | 61 |
| 3.722 | 97 |
| 3.590 | 88 |
| 3.561 | 59 |
| 3.385 | 24 |
| 2.986 | 17 |
| 2.949 | 11 |
| 2.836 | 20 |
| 2.778 | 10 |
| 2.616 | 10 |
| 2.481 | 12 |

10. (cancelled).

11. (previously presented): A solid pharmaceutical composition comprising an anti-allergic effective amount of the polymorph form 1 according to Claim 8 and a pharmaceutically acceptable carrier.

12. (previously presented): A solid pharmaceutical composition comprising an anti-allergic effective amount of the polymorph form 2 according to Claim 9 and a pharmaceutically acceptable carrier.

13. (cancelled).

14. (previously presented): A method of treating allergic reactions in a mammal which comprises administering to said mammal an anti-allergic effective amount of the polymorph form 1 according to Claim 8.

15. (previously presented): A method of treating allergic reactions in a mammal which comprises administering to said mammal an anti-allergic effective amount of the polymorph form 2 according to Claim 9.

16. (currently amended): A process for preparing polymorph form 1 of 8-chloro-6,11-dihydro-11-(4-piperidylidene)-5H-benzo[5,6]-cyclohepta[1,2-b]pyridine hemifumarate according to Claim 8 comprising:

(i) mixing desloratadine, fumaric acid, and ethanol at a temperature of from about 15°C to about 25°C to form a solid; and

(ii) filtering the solid to form the polymorphic form 1 of 8-chloro-6,11-dihydro-11-(4-piperidylidene)-5H-benzo[5,6]-cyclohepta[1,2-b]pyridine hemifumarate which is characterized by a DSC of $224^{\circ}\text{C} \pm 2^{\circ}\text{C}$.

17. (currently amended): A process for preparing polymorph form 1 of 8-chloro-6,11-dihydro-11-(4-piperidylidene)-5H-benzo[5,6]-cyclohepta[1,2-b]pyridine hemifumarate according to Claim 8 comprising:

(a) dissolving desloratadine in ethanol to form an ethanolic solution of desloratidine;

(b) dissolving fumaric acid in ethanol to form an ethanolic solution of fumaric acid;

(c) mixing the ethanolic solution of desloratidine and the ethanolic solution of fumaric acid at a temperature of from about 15°C to about 25°C to form a solid; and

(d) filtering the solid to form the polymorphic form 1 of 8-chloro-6,11-dihydro-11-(4-piperidylidene)-5H-benzo[5,6]-cyclohepta[1,2-b]pyridine hemifumarate which is characterized by a DSC of $224^{\circ}\text{C} \pm 2^{\circ}\text{C}$.

18. (previously presented): The process according to Claim 17 wherein the mixing in Step (c) is conducted for a period of time from about 30 to about 45 minutes.

19. (currently amended): A process for preparing polymorph form 2 of 8-chloro-6,11-dihydro-11-(4-piperidylidene)-5H-benzo[5,6]-cyclohepta[1,2-b]pyridine hemifumarate according to Claim 9 comprising:

(i)' mixing desloratadine, fumaric acid, and ethanol at a temperature of from about 55°C to about 70°C to form a solid; and

(ii)' filtering the solid to form the polymorphic form 2 of 8-chloro-6,11-dihydro-11-(4-piperidylidene)-5H-benzo[5,6]-cyclohepta[1,2-b]pyridine hemifumarate which is characterized by a DSC of $232^{\circ}\text{C} \pm 2^{\circ}\text{C}$.

20. (currently amended): A process for preparing polymorph form 2 of 8-chloro-6,11-dihydro-11-(4-piperidylidene)-5H-benzo[5,6]-cyclohepta[1,2-b]pyridine hemifumarate according to Claim 9 comprising:

(a)' dissolving desloratadine in ethanol to form an ethanolic solution of desloratidine;

(b)' dissolving fumaric acid in ethanol to form an ethanolic solution of fumaric acid;

(c)' mixing the ethanolic solution of desloratidine and the ethanolic solution of fumaric acid at a temperature of from about 55°C to about 70°C to form a solid; and

(d)' filtering the solid to form the polymorphic form 2 of 8-chloro-6,11-dihydro-11-(4-piperidylidene)-5H-benzo[5,6]-cyclohepta[1,2-b]pyridine hemifumarate which is characterized by a DSC of $232^{\circ}\text{C} \pm 2^{\circ}\text{C}$.

21. (previously presented): The process according to Claim 20 wherein the mixing in Step (c)' is conducted for a period of time from about 30 to about 45 minutes.